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Turkmenistan and the OSCE¹

Along with the other Soviet successor states in Central Asia, Turkmenistan recognized the Helsinki Final Act and other CSCE commitments in 1992, its first year of independence. As was the case for the other successor states, Turkmenistan saw accession to the CSCE as a means of confirming its status as an independent state. It may also have valued membership in this community of states as a means of confirming ties with the best-developed and organized part of the world, namely Europe and North America.

Like other successor states, Turkmenistan may not have fully realized the domestic implications of the commitments it had undertaken in acceding to the CSCE. Its political leadership asserts that the country will become a democratic state based on the rule of law, but it will do so in its own time and in its own way. Such statements, as well as the frequent plea that Turkmenistan's distinctive situation be recognized and understood by the outside world, have put the country at odds with its OSCE commitments.

Additionally, relations between Turkmenistan and the OSCE have been complicated by the country's insistence that it should be treated differently from the other newly independent states that emerged from the disintegration of the Soviet Union. It is argued that Turkmenistan should not be held to its OSCE and other international commitments until adequate conditions can be created. Since its independence, Turkmenistan has been reluctant to enter into multilateral agreements. This approach was reinforced by its adherence to a doctrine of "active neutrality," which has been interpreted as ruling out participation in regional groupings and assuming regional commitments. Promoting regional solutions to regional problems is, however, a basic tenet of the OSCE.

The OSCE in Turkmenistan

In response to recommendations in the report of the OSCE's first Secretary General Wilhelm Höynck on his 1994 trip to Central Asia, an OSCE Liaison Office was opened in the Uzbek capital, Tashkent, on 1 July 1995, which was initially furnished with a one-year mandate. The Office was tasked with facilitating contacts and promoting information exchange between OSCE institutions and all OSCE participating States in Central Asia. In practice, due to the fact that there was already a relatively large OSCE mission in Tajikistan, the Liaison Office concentrated on the four Turkic-speaking countries of

¹ The article presents the personal view of the author.

Central Asia. However, this task was not made easy with only one international staff member. The Liaison Office's mandate also called for maintaining contacts with universities, research institutions and NGOs in Central Asia, assisting in organizing OSCE events in the region and, what was most important, promoting the understanding and implementation of OSCE principles and commitments on the part of Central Asian participating States. From the beginning of its existence, the Liaison Office sought to establish and maintain good relations with the Turkmen Head of State, President Saparmurat Niyazov, and those ministries that dealt with the OSCE's areas of responsibility, in particular the Ministries of Foreign Affairs, Justice and Social Security. Due to the infrequency of visits by the Liaison Office staff to Turkmenistan, little in the way of concrete projects could be organized. However, a regional security seminar, held in February 1998, was organized by the Secretariat in Vienna in direct contact with Turkmen officials.

Turkmenistan was generally on the agenda of high-level OSCE visitors to Central Asia, although it was not always possible for them to meet with the Head of State. Turkmenistan's Parliamentarians have taken part in at least some events of the OSCE Parliamentary Assembly, although they have not always attended its annual meetings.

In 1996, the then Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), Ambassador Audrey Glover, proposed to the Director of the newly founded National Institute for Democratization and Human Rights in Turkmenistan that Ashgabad be the venue for a course on international human rights law. The ODIHR Director sought to encourage the new institute, which was under direct supervision of the President, to assume the role of an ombudsman's office. The institute's Director, Vladimir Kadyrov (since 2000 Turkmenistan's Ambassador to the OSCE), later stated that he had responded enthusiastically to Ambassador Glover's proposal. However for logistical reasons, the ODIHR decided to hold the course in Tashkent.

During visits of Liaison Office staff to Ashgabad, officials of the Turkmen Foreign Ministry expressed hopes that it would be possible to have a permanent OSCE presence in Turkmenistan. Such visits usually included a meeting with President Niyazov, who always took the opportunity to declare how much Turkmenistan valued the OSCE and its status as a participating State. While Turkmen officials were careful not to complain about the presence of the Liaison Office in Uzbekistan, as had been done by officials of some other Central Asian states, they could with considerable justification point to the infrequency of visits from the regional presence, as well as argue that Turkmenistan deserved more attention on the part of the OSCE.

In response to the pleas of officials in those Central Asian states that lacked a permanent OSCE presence (Turkmenistan, Kazakhstan and Kyrgyzstan), as well as to the recommendations of the OSCE Secretariat, the Permanent Council adopted a decision in July 1998 to open permanent presences, i.e. OSCE "Centres", in the three countries.

Due to logistical and staffing issues that needed to be solved, the three new Centres began to function only in January 1999. Each had an international staff of four and their mandates were based upon that of the Central Asian Liaison Office. The mandate of the OSCE Centre in Ashgabad calls for the Centre to promote the implementation of OSCE principles and commitments as well as the co-operation of Turkmenistan within the OSCE framework in all OSCE dimensions. The Centre is also mandated to monitor and report to the OSCE Chairmanship and other OSCE institutions on developments within the country, with particular emphasis on identifying potential conflict-generating situations. Co-operation with other international organizations and institutions is an important element in the Centre's work, as is the maintenance of contacts with Turkmen authorities, non-governmental organizations and institutions of higher education. Another major aspect of the Centre's work is to organize visits to Turkmenistan by high-level OSCE representatives. Practice has shown that such visits are very useful in advancing the understanding of the role of the OSCE.

The presence of the OSCE Centre in Ashgabad has been a learning experience for both sides. Initially, Turkmen officials appeared to expect that the work of the Centre would consist primarily of conveying the viewpoints of the Turkmen leadership to the OSCE. Therefore, the host government was somewhat surprised by its activities, particularly in the field of individual human rights cases.

All Turkmen officials did not welcome the Centre's active involvement in issues of freedom of conscience, freedom of expression and freedom of association (especially the development of civil society). In the absence of reporting on the OSCE and its activities in Turkmenistan in the state-controlled information media, the Centre has found it necessary to publicize the OSCE as best it can to government officials and ordinary citizens alike. In the slightly more than two years of the Centre's existence, it has published and distributed informative materials on the OSCE in the Turkmen language, as well as on civil society in both Russian and Turkmen. International staff members have also elucidated the OSCE to a variety of audiences and individuals. Inclusion of officials from outside the capital in OSCE events in Ashgabad, and the increasing number of OSCE events held outside Ashgabad, are helping to spread knowledge of the Organization and its role throughout the country.

In December 2000, the fifth anniversary of the recognition of Turkmenistan's neutrality by the UN General Assembly provided an opportunity to introduce the OSCE to a large audience of Turkmen officials and academics. This has been followed up by seminars on the politico-military dimension of the Organization, and on the history and overall role of the OSCE for government officials, journalists and students. These events are only the beginning of what must necessarily be an extensive educational effort.

OSCE and Turkmenistan's Neutrality

At the February 1998 seminar on regional security, held in Ashgabad, officials of most Central Asian states used the opportunity to express their specific security concerns. They focused mostly on the dangers to regional stability caused by the conflict in Afghanistan, specifically citing the growing traffic in illegal drugs and weapons, as well as the threat of the spread of Islamic extremism. Turkmenistan's representatives were, however, inclined to play down these problems, citing the official recognition by the UN General Assembly in December 1995 of their country's neutrality as the main international guarantee of Turkmenistan's security.

Turkmenistan's determined commitment to what it characterizes as "active neutrality" has so far confounded most OSCE efforts to draw the country into a more active role in the OSCE's politico-military dimension. For example, Turkmenistan declined to send representatives to a February 2000 conference on the use of confidence- and security-building measures in Central Asia, which was organized in Vienna. Apparently, Turkmen officialdom feared that engaging in such topics would endanger the country's neutral status.

Not only the OSCE has had difficulties involving Turkmenistan in regional security. Although Turkmenistan was the first Central Asian state to join the NATO Partnership for Peace programme, President Niyazov told NATO Secretary General George Robertson, during the NATO leader's visit to Ashgabad in January 2001, that as a neutral state it would not be able to play a more active role in the programme, but that it had no intention of withdrawing.

Turkmenistan and the Economic and Environmental Dimension

The area of OSCE activity in which the Turkmen authorities have been most willing to co-operate with the Organization is the economic and environmental dimension. This accords with the often-repeated assertions of President Niyazov and other leaders that economic prosperity is a prerequisite for democratization. The environment has been perceived as a non-political, and therefore, non-sensitive issue. As a result, the Centre in Ashgabad has had considerable success in gaining governmental agreement to its holding events focused on environmental issues and working with environmental NGOs.

Turkmenistan both signed and ratified the UN-sponsored Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (popularly known as the "Århus Convention"). The Ministry for Nature Protection has been particularly supportive of a series of round tables on the issue of the implementation of the Convention in Turkmenistan. This series grew out of a regional conference on the Convention, which was held under UN auspices and organized by the OSCE

Centre in May 2000. A first round table, bringing together government officials involved in environmental issues, members of environmental NGOs and international experts, was held in Ashgabad in December 2000. This was followed by similar events in the cities of Dashoguz, Balkanabad (formerly Nebit-Dag), Mary and the Caspian port city of Turkmenbashi. The series is to end with a final gathering in Ashgabad, at which specific recommendations made at each regional round table for implementing the Århus Convention will be compiled, evaluated and offered to the Turkmen authorities as the basis for further legislative and administrative action.

An OSCE delegation that visited Central Asia in the spring of 2000 to assess regional water management and try to persuade Central Asian governments to take part in a British-organized conference on water management in the region had considerably less success. The Turkmen leadership politely informed the visitors that the Central Asians were able to solve the problems of regional water management without outside assistance. It was proposed, however, that the OSCE could co-operate with Turkmenistan on the issue of water management on a bilateral basis. This is the type of relationship preferred by Turkmenistan for all its international contacts.

Turkmenistan and the Human Dimension

The most sensitive of the OSCE's spheres of activity for all the Central Asian states has been the human dimension. Turkmenistan is no exception. Turkmen officials argue that their country accepts the need for democratization and liberalization of the economy, but it must be at a pace that will not undermine the existing political and social stability. In their view, the OSCE is trying to force the pace of change by insisting that there should be some progress in the implementation of commitments in the human dimension that have been accepted by all participating States. At the same time, some European and North American participating States have expressed impatience at Turkmenistan's reluctance to make a greater effort in the direction of popular involvement in decision-making, transparency of decision-making and other basic elements of the democratization process.

In 1998, the ODIHR drafted Memoranda of Understanding to be signed with the governments of each of the Central Asian states in which new OSCE permanent field presences were to be opened, and in addition with that of Tajikistan. These Memoranda of Understanding, which involved the implementation of packages of projects in the human dimension, were based on the success of the first of such agreements, signed with Uzbekistan in 1997.

The initial package of ODIHR projects for Turkmenistan included human rights training for border officials and for law enforcement officials, gender-related legal literacy and training of domestic election observers. It also included assistance to the Ministry of Justice in preparing the basis for reform

of the judiciary with the objective of creating an independent judiciary, and assisting the Turkmen government in bringing the country's laws into accord with the international conventions ratified by Turkmenistan. One of the most controversial projects, in the Turkmen view, was the proposal to organize a series of meetings between government officials and genuine grassroots NGOs to help the authorities understand the positive role that non-governmental organizations can play in the development of civil society. The initial version of the project called for Turkmen government officials and NGO members to take part in an already functioning series of government-NGO meetings in Kyrgyzstan.

The presentation of the first-draft Memorandum of Understanding and its accompanying package of projects launched a round of negotiations between ODIHR and the government of Turkmenistan, which remained inconclusive. Turkmenistan remains the only OSCE participating State in Central Asia that has not signed a Memorandum of Understanding with ODIHR. The lengthy period since the appearance of the first draft has seen the original package reduced to four projects - training for border officials, development of gender-related issues, assistance to the development of civil society, as well as legislative assistance involving a review of judicial legislation and the training of judicial and law enforcement agencies. In fact, the Turkmen government specifically requested this last project. However, the Turkmen government has consistently balked at accepting the project package as long as it includes the civil society project, which ODIHR on the other hand has declined to abandon. Various ways are currently being explored on the OSCE side to launch a series of human dimension projects without a formal Memorandum of Understanding.

Soon after the OSCE Centre in Ashgabad opened, it was possible at last to conduct the one-week course on international human rights law that had been promised to Turkmenistan two years earlier. The course was held for the first time in Ashgabad in May 1999, co-sponsored by the OSCE Centre, the Ashgabad office of the UNHCR and the Turkmen National Institute for Democratization and Human Rights. The response was so enthusiastic that it was decided to repeat the introductory course and add an advanced one in January and February 2001 with the same co-sponsors but this time also including additional funding from the British Foreign Office.

In the two years since the opening of the OSCE Centre, there have been many instances in which the Turkmen authorities have found it difficult to understand the work of the Centre in the human dimension, in particular the involvement of the Centre's staff in specific human rights cases. Some officials, particularly those outside the capital, appeared to be convinced that the OSCE was a subversive organization because of its association with non-governmental groups. Such views indicate that extensive educational work by the Centre is required to explain the purpose and motivation of the Organization of which Turkmenistan is a participating State.

Turkmenistan's Assessment of the OSCE

Despite the occasional misunderstandings in the relations between the OSCE and the government of Turkmenistan, the Turkmen leadership's overall assessment of the Organization remains positive after two years of a permanent and active OSCE presence in the country. For the record, Turkmenistan is committed to the principles of the Helsinki Final Act and subsequent documents adopted by the participating States. It has been willing to engage in constructive co-operation, although it asks that the specifics of its situation be taken into consideration. Turkmenistan was particularly impressed with the report of the first OSCE Secretary General Wilhelm Höynck on what the OSCE can and cannot do in Central Asia. In the report, he noted that the mechanisms of the CSCE/OSCE work progressively less effectively the further east one moved in the former Soviet Union.

The Central Asians, the Turkmen included, insist that their mentality is entirely different from that of Europe - psychologically, culturally, historically and geopolitically - though all the Central Asian participating States insist that they are committed to the creation of a democratic society, within their own context and in their own time. Turkmenistan appeals for compromise and constructive dialogue, and expects the OSCE to take into account the country's need to emphasize economic development as a prerequisite for political reform, as well as its need to forge a nation-state and a Turkmen national consciousness where none has existed in the past.